

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TORREY DAVIDSON,

Plaintiff(s),

vs.

ADVANCED AUTO PARTS

LOCATOR, et al.,

Defendant(s).

Case No. 4:06CV00607-ERW

MEMORANDUM AND ORDER

This matter comes before the Court on the Court's order granting Plaintiff five (5) days to respond to this Court's order or the case would be dismissed with prejudice.

Plaintiff filed suit against numerous Defendants, alleging numerous violations of his statutory and constitutional rights. All of Plaintiff's allegations arose out of a dispute which occurred in Defendant Advanced Auto Parts Locator's store ("the store"). All Defendants, except Defendant Advanced Auto Parts Locator ("Defendant Advanced"), were granted summary judgment against Plaintiff, in this Court's order dated August 9, 2007. On August 21, 2007, Plaintiff filed a Motion to Withdraw as Appointed Counsel,¹ and this Court granted that Motion on August 22, 2007. Plaintiff's counsel represented to the Court that he had attempted to confer with the Plaintiff and had been unable to do so. Due to the lack of communication between Plaintiff's counsel and Plaintiff, Plaintiff's Counsel was unable to prepare for trial in this matter, which is set for September 10, 2007.

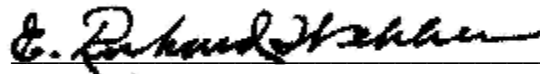
¹This was erroneously labeled a Motion to Dismiss without Prejudice.

The Court provided Plaintiff five (5) days to respond to the Court's order, or the Court would dismiss the case with prejudice. Notice of this Court's August 22, 2007 order was sent to Plaintiff via United States mail, and registered mail, at Plaintiff's last known address. Plaintiff has not responded to this Court's order within the allotted time period, and therefore, Plaintiff's case is dismissed with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's claims against Defendant Advanced Auto Parts Locator are **DISMISSED with prejudice**.

Dated this 30th Day of August, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE